

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

FILED

DEC 10 '98

AMERICAN CANOE ASSOCIATION, )  
INC., et al., )

Plaintiffs, )

v. )

MURPHY FARMS, INC., d/b/a MURPHY )  
FAMILY FARMS and D.M. FARMS OF )  
ROSE HILL, L.L.C. )

Defendants. )

DAVID W. HARRIS, CLERK  
U.S. DISTRICT COURT  
E. DIST. N.C. CAR.

Civil Action No.: 7-98-CV-4-F(1)

Civil Action No.: 7-98-CV-19-F(1)

Civil Action No.: 5-98-CV-209-F(1)

**ALTERNATIVE MOTION TO JOIN THE NORTH  
CAROLINA DEPARTMENT OF ENVIRONMENT AND  
NATURAL RESOURCES AS A PARTY**

In the event that the United States Environmental Protection Agency's motion to intervene is granted, then pursuant to Rule 19(a)(1) of the Federal Rules of Civil Procedure, D.M. Farms of Rose Hill L.L.C. and Murphy Farms, Inc. move to join the North Carolina Department of Environment and Natural Resources ("Department") as a party to this action. For the reasons set forth in the accompanying Memorandum, the Department should be joined as a defendant if the United States Environmental Protection Agency is allowed to intervene because, in the Department's absence, complete relief cannot be accorded among those already parties.

This the 9<sup>th</sup> day of December, 1998.

By:



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**CERTIFICATE OF SERVICE**

I, Charles C. Meeker, hereby certify that a copy of the foregoing **ALTERNATIVE MOTION TO JOIN THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AS A PARTY** was served by depositing a copy in the United States mail, postage prepaid, addressed to the following:

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This the 9<sup>th</sup> day of December, 1998.

A handwritten signature in black ink, appearing to read "Charles C. Meeker", written over a horizontal line.

~~Charles C. Meeker~~